

United States District Court **BR**
 Northern District of Illinois
 Eastern Division

United States } Plaintiff
 v. }

Case No. 07CR 843

Daniel Hill } Defendant

Hon Judge Joan Lefkowitz

FILED

JUL 31 2008
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Motion TO LITIGATE REGARDING OTHER CRIMES AND OTHER
 BAD ACTS AND BRIEF IN SUPPORT

MICHAEL W. DOBBINS
 CLERK, U.S. DISTRICT COURT

now Daniel Hill pro se under necessity and respectfully
 and Humbly moves this court to enter an order granting the
 below listed motion.

This motion is based upon the instant motion, the statement
 of facts (those facts were based upon Government reports
 heretofore provided to date, and would be subject to amplification
 and/or contradiction at an evidentiary hearing) and memorandum
 of authorities, the files and records in the above entitled cause
 and any and all matters that may be brought to this court's
 attention prior to or at the time of the hearing of these matters.

In United States v. Shackelford, 738 F.2d 776 (7th Cir. 1984)
 citing 2J. Weinstein and M. Burger, supra, paragraph 404 ⁸³ footnote
~~omitted~~, said a defendant cannot be identified as a perpetrator
 of the charged acts simply because he has ~~not~~ at other times committed
 the same commonplace variety of criminal acts except by reference
 to the forbidden inference of propensity. The question for the court
 is whether the characteristics relied upon are sufficiently
 idiosyncratic to permit the inference of pattern for the purpose of
 proof."

The Government must come forward and meet its ~~proof~~
 burden of Proof and show the reliability of this "evidence"

before the court can make an appropriate evaluation. Once it does Daniel Hill is satisfied that it will fail in its effort. Daniel Hill wishes to be tried on the facts of this case and not on other "events" that lack credibility, proof, reliability, and inherent relevance. The stakes are far too high to permit anything less. With out such "evidence" the Government may have a far more difficult time in proving its case, and that is ~~what~~ why it are seeking to bolster its allegations.

The ninth Circuit Court of Appeals has recently re-affirmed that other acts evidence is guilt or innocence of the accused must be established by evidence relevant to the particular offense being tried, not by showing that the defendant has engaged in other acts of wrong doing. United States v. Mayans 17 F.3d 1174 (9th Cir. 1994).

Conclusion III

Based upon the forgoing, Daniel Hill respectfully requests this honorable court to enter an order precluding the Government from offering evidence of any other events other than those charged in the indictment.

Submitted respectfully

D. D. Hill
Daniel Hill